

Regular Session, 2009

SENATE BILL NO. 270

BY SENATOR LONG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/ACC INSURANCE. Permits the application of reduced health insurance co-payments for primary care services. (7/1/09)

AN ACT

To enact R.S. 22:1014, relative to health insurance; to provide for definitions; to provide with respect to reduced health insurance copayments for primary care services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1014 is hereby enacted to read as follows:

§1014. Reduced copayments for primary care services; purpose; definitions

A. The legislature recognizes that the state's primary care physicians provide an invaluable service such that they are called upon to play key roles in critical aspects of the health care system. The legislature is in accord with the widely held premise that access to primary care physicians should be encouraged so that patients can derive the greatest benefit from the patient education, preventive care, comprehensive care, and coordination of care that these physicians offer. The provisions of this Section are intended to encourage the use of services of primary care physicians and shall be deemed not to be discriminatory against any other type of health care provider under the provisions of R. S. 22:996 and 1021.

1 **B. Definitions**

2 As used in this Section the following terms shall have the following
3 meanings, unless the context clearly indicates otherwise:

4 (1) "Copayment" means a flat dollar amount that is the responsibility
5 of an insured or enrollee of a health insurance plan, usually paid at the time
6 services are rendered.

7 (2) "Health insurance issuer" or "issuer" means any entity that offers
8 health insurance coverage through a policy, contract, or certificate of insurance
9 subject to state law that regulates the business of insurance. For purposes of
10 this Section, a "health insurance issuer" shall include but not be limited to a
11 health maintenance organization as defined and licensed pursuant to R.S.
12 22:241 et seq.

13 (3) "Primary care physician" or "PCP" means a physician trained and
14 licensed to provide comprehensive and preventative health care services not
15 limited by problem origin or organ system and whose role also includes
16 education of patients and coordination of their health care. Types of physicians
17 considered primary care physicians shall include general practitioners, family
18 practitioners, general internists, and pediatricians.

19 C. A health insurance issuer may establish and maintain benefit plans
20 for group and individual insureds or enrollees that apply lower insured or
21 enrollee copayments for services provided by primary care physicians than for
22 services provided by other types of physicians, with the exception of
23 chiropractic physicians. A health insurance issuer may apply the same lower
24 copayments for services provided by physician extenders such as physician
25 assistants and nurse practitioners.

26 D. A health insurance issuer that provides for the application of lower
27 insured or enrollee copayments for the services of a primary care physician
28 than for services of other types of physicians shall state clearly such differences
29 in its policies and materials.

E. Implementation of the provisions of the Section shall have no effect on the total rate of reimbursement specified in an agreement between a health issuer and a health care provider.

Section 2. This Act shall become effective on July 1, 2009; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2009, or on the day following such approval by the legislature, whichever is later.

The original instrument was prepared by Cheryl Horne. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

Long (SB 270)

Proposed law authorizes a health insurance issuer to establish and maintain benefit plans for group and individual insureds or enrollees that apply lower enrollee copayments for services provided by primary care physicians, except for chiropractic physicians, than for services provided by other types of physicians. Requires that any application of a lower copayment be clearly stated in policies and materials.

Proposed law provides definitions for "copayment," and "health insurance issuer."

Proposed law excludes from the definition of "primary care physician" other types of physicians assigned by the issuer to provide care and to coordinate care for insureds or enrollees with special needs.

Proposed law makes an exception for chiropractic physicians from the application of a lower insured or enrollee copayment for services provided by primary care physicians.

Proposed law provides that a health insurance issuer may apply the same lower copayments for services provided by physician extenders such as physician assistants and nurse practitioners.

Proposed law provides that implementation of proposed law shall have no effect on the total rate of reimbursement specified in an agreement between a health issuer and a health care provider.

Effective July 1, 2009.

(Adds R.S. 22:1014)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill.

1. Removes statutory references to R.S. 22:247 and 995.
2. Removes from the meaning of "primary care physician" other types of physicians assigned by the issuer to provide care and to coordinate care for insureds or enrollees with special needs.

3. Excepts chiropractic physicians from the application of a lower insured or enrollee copayment for services provided by primary care physicians.
4. Adds that a health insurance issuer may apply the same lower copayments for services provided by physician extenders such as physician assistants and nurse practitioners.
5. Provides that implementation of proposed law shall have no effect on the total rate of reimbursement specified in an agreement between a health issuer and a health care provider.

Senate Floor Amendments to engrossed bill.

1. Corrects a citation.